

Applicant : Jonathan M. Walsh  
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### REMARKS

Below, the applicant's comments are preceded by related remarks of the examiner set forth in small bold type.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. ...

...

#### **(f) BRIEF SUMMARY OF THE INVENTION.**

...

2. The disclosure is objected to because of the following informalities:

a. There is no "BRIEF SUMMARY OF THE INVENTION" section.

Appropriate correction is required.

The applicant notes that the rule only suggests but does not require a "Brief Summary of the Invention."

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardner et al. (US 6580697 B1), hereinafter referred as Gardner.

a. Regarding claim 1, Gardner disclosed a method of configuring communications over a network comprising: connecting a device to the network (column 1, line 14-24); receiving data on the device from the network (column 1, line 14-24); configuring the device for a communication mode, from a plurality of possible communication modes, wherein the communication mode includes transferring data between the device and the network simultaneously in time (column 1, line 14-24); transferring data between the device and the network based on the communication mode (column 1, line 14-24); and determining whether to retain the device in the communication mode (column 1, line 33-46).

...

k. Regarding claim 11, Gardner disclosed an apparatus configured to connect to a network (column 3, line 15-20), the apparatus comprising: a memory which stores instructions to, configure the apparatus for a communication mode, from a plurality of possible communication modes, wherein the communication mode includes transferring data between the device and the network simultaneously in time (column 1, line 14-24), transfer data between the apparatus and the network based on the communication mode (column 1, line 14-24), determine whether to retain the apparatus in the communication mode (column 1, line 14-24); and a processor which executes the instructions.

...

u. Regarding claim 21, Gardner disclosed an article comprising to a computer, a machine-readable medium that stores instructions (column 3, line 15-20) that cause a machine to: receive data from a connected network (column 1, line 14-24); configure the machine for a communication mode, from a plurality of possible communication modes, for

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transferring data between the machine and the network, wherein the communication mode includes transferring data between the machine and the network simultaneously in time (column 1, line 14-24); transfer data between the machine and the network based on the determined communication mode (column 1, line 14-24); and determine whether to retain the machine in the communication mode (column 1, line 33-46).

Gardner does not disclose or suggest "receiving information about a speed at which the network hub is transmitting data" and "transferring data between the device and the network hub in the half duplex mode using a transmission speed determined based on the received information about the speed at which the network hub is transmitting data," as recited in amended claim 1.

Gardner discloses a port monitoring state machine that determines whether to use a half duplex or full duplex transmission mode based on a number of collisions (col. 4, lines 5-13), frame check sequence errors, and messages that have been erroneously truncated (col. 4, lines 29-31). Gardner does not disclose or suggest "transferring data between the device and the network hub ... using a transmission speed determined based on the received information about the speed at which the network hub is transmitting data." Although Gardner mentions 10 Mb/s and 100 Mb/s transmission speeds (col. 5, lines 4-8), Gardner does not disclose how the network transmission speed is determined.

Claims 11 and 21 are patentable for at least similar reasons as claim 1. The dependent claims are patentable for at least the same reasons as the claims upon which they depend. Moreover, these claims add additional distinctive features. For example, claim 27 recites "receiving information about the speed at which the network hub is transmitting data comprises receiving Fast Link Pulses from the network hub," and claim 28 recites "receiving information about the speed at which the network hub is transmitting data comprises receiving signals transmitted by the network hub during network idle times." None of these features are suggested by Gardner.

Cancelled claims have been cancelled without prejudice. Any circumstance in which the applicant has addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner. Any circumstance in which the applicant has made arguments for the patentability of some claims does not mean that there are not other good

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reasons for patentability of those claims and other claims. Any circumstance in which the applicant has amended a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply any charges or credits to deposit account 06-1050, referencing attorney docket 10559-574001.

Respectfully submitted,

Date: 6/30/2005

Rex Huang  
Rex L. Huang\* for  
David L. Feigenbaum, Reg. No. 30,378

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

*\* See attached document certifying that Rex Huang has limited recognition to practice before the U.S. Patent and Trademark Office under 37 CFR § 11.9(b).*

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